

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MELVIN DUKES,

No. C 13-02430 SBA (PR)

Plaintiff,

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

v.

CAPTAIN WALKER, et al.,

Defendants.

On May 30, 2013, Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. On that same date the Clerk of the Court sent a notice to Plaintiff, informing him that his action could not go forward until he paid the filing fee or filed a completed prisoner's in forma pauperis application. The Clerk sent Plaintiff a blank in forma pauperis application and told him that he must pay the fee or return the completed application within twenty-eight days or his action would be dismissed. More than twenty-eight days have passed and Plaintiff has not paid the filing fee, returned the in forma pauperis application or otherwise communicated with the Court.

Accordingly, this action is DISMISSED WITHOUT PREJUDICE. The Court has rendered its final decision on this matter; therefore, this Order TERMINATES Plaintiff's case. The Clerk of the Court shall close the file.

IT IS SO ORDERED.

DATED: 7/11/13


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
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5

6 MELVIN DUKES,

Case Number: CV13-02430 SBA

7 Plaintiff,

CERTIFICATE OF SERVICE

8 v.

9 WALKER et al,

10 Defendant.
11 _____/

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on July 11, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
16 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18 Melvin Dukes D-33572
19 Salinas Valley State Prison
P.O. Box 1050
Soledad, CA 93960-1050

20 Dated: July 11, 2013

21 Richard W. Wieking, Clerk
By: Lisa Clark, Deputy Clerk
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